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July 21, 2008

Via CM / ECF and Hand Delivery

Honorable Alvin K. Hellerstein  
United States District Court  
United States Courthouse  
500 Pearl Street, Room 1050  
New York, NY 10007

Re: Anderson Kill & Olick, P.C. v. Bray & Gillespie, Inc.  
No. 1:08-CV-4565 AKH

Dear Judge Hellerstein:

My law firm represents the defendants in this action, and with the concurrence of Jeffrey E. Glen, counsel for plaintiff, I write to request an adjournment of the due date for defendants' reply papers in support of their pending motions to dismiss (docket entries 7-8 and 10-12).

Our reply papers are currently due on Wednesday this week, July 23. We request that the due date be adjourned to Friday, August 1, 2008, with the possibility, as explained below, that the due date would be extended further. This is the first request for an extension of the due date for the defendants' reply papers.

The reason for our request is that the parties have agreed to enter into discussions to attempt to resolve their dispute. Subject to the Court's approval, the parties have further agreed that if they are still productively discussing resolution of the case on August 1, the due date for defendants' reply papers would be extended once again, with the potential for additional extensions of the due date if settlement negotiations are continuing to move in a positive direction. We therefore request that the Court order (a) that the due date for the defendants' reply papers in support of their pending motions to dismiss be adjourned to August 1, 2008; (b) that the parties may continue to have additional 10-calendar-day extensions of the due date for the defendants' reply papers upon written notification to the Court, within each successive 10-calendar-day period, that they are still negotiating toward a resolution of the dispute and that they wish to extend the due date by an additional 10 calendar days; and (c) that upon written

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notification to the Court that the parties' discussions have reached impasse, the due date for the defendants' reply papers shall be 10 calendar days after the date of such notification of impasse.

Counsel are available to discuss the matter if the Court has any questions.

Respectfully,

*/s/ M. Duncan Grant*

M. Duncan Grant (MG 0055)

cc: Jeffrey E. Glen, Esquire (via Email)